

ATTACHMENT B

LAW OFFICES
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EDWARD BENNETT WILLIAMS (1920-1988)

PAUL R. CONNOLLY (1922-1978)

December 4, 2017

Via E-mail

The Honorable Gregory S. Brooker
Acting United States Attorney
c/o AUSA David M. Genrich
600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Re: United States v. Edward S. Adams (Criminal No. 17-64 (DWF/KMM))

Dear Counsel:

We represent Edward S. Adams, a defendant in the above-referenced criminal matter currently pending before the United States District Court for the District of Minnesota. Pursuant to Department of Justice ("DOJ") regulation 28 C.F.R. § 16.21 *et seq.* and *United States ex rel. Touhy v. Ragen*, 340 U.S. 432 (1951), we request that the DOJ authorize Assistant United States Attorney David Maria to provide testimony at the forthcoming suppression hearing, scheduled for Thursday, December 7, 2017. Mr. Maria's testimony will concern matters related to Defendant's Motion to Suppress (DCD No. 37), the government's Opposition to Motion to Suppress (DCD 49), and evidence submitted by the government in support of that opposition, including the declaration and documents Mr. Maria has submitted to the Court in this matter. (See DCD No. 52-1 and Attachment A)

Mr. Adams is seeking testimony pursuant to his Sixth Amendment right to compulsory process. Mr. Adams is not required to obtain the DOJ's approval through its *Touhy* regulations for such testimony in this criminal case. This *Touhy* request is being sent as a courtesy to the DOJ. We nevertheless expect Mr. Maria to appear, as required by the subpoena. In the event you or Mr. Maria seek relief from the subpoena, we would be happy to confer and see if we can reach an accommodation. If you don't wish to confer, you should file an appropriate motion with the Court.

WILLIAMS & CONNOLLY LLP

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A copy of the subpoena is enclosed. (*See Attachment B.*) It is our understanding that DOJ personnel do not accept witness fees for appearance at hearings. If that is incorrect, please advise us and we will tender a \$40.00 check. Also, please confirm that you will accept service on Mr. Maria's behalf. If we do not receive confirmation of this by noon central time, Tuesday, December 4, 2017, we will attempt to serve Mr. Maria personally. Our strong preference would be to not subject Mr. Maria to that inconvenience.

Sincerely,

/s/

Lance A. Wade

Enclosures